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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,556	05/15/2001	Takahiro Tanioka	166539/00	8146

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MCGINN & GIBB, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER
BACKER, FIRMIN

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 11/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/854,556	TANIOKA, TAKAHIRO
		Examiner	Art Unit
		Firmin Backer	3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 August 2004* .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: .

Response to Request for Reconsideration

This is in response to a request for reconsideration file August 17th, 2004. Claims 1-21

are being reconsidered in this action.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 4-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki (*U.S. Patent No. 6,385,636*).

3.   As per claims 4, 7, 8, Suzuki teaches a distributed processing method of a processing

task, comprising a user terminal obtaining a user application and a license application from an

application server via a network, the application server transmitting information of a user who

obtained the user application and the license application to a collection/distribution server for

accepting a request for a processing task from a customer terminal via the network, dividing the

processing task into a form which can be distributed and executed in a plurality of user terminals,

requesting the user terminal of executing the divided processing task based on the user

information received from the application server, the license application executing the divided

processing task requested from the collection/distribution server by the license application on the

user terminal, and sending back a processing result to the collection/distribution server from the

user terminal; the license application providing the user terminal with a license key for the user

application installed to the user terminal, and the collection/distribution server integrating the

processing results of the processing task collected from the user terminals to transmit a integrated

result to the customer terminal (*see fig 1-3, column 2 lines 8-37, 3 lines 13-37, 4 lines 10-34*).

4.   As per claim 5, Suzuki teaches a distributed processing method wherein the license

application runs as a background processing on the user terminal (*see fig 1-3, column 2 lines 8-

37, 3 lines 13-37, 4 lines 10-34*).

5.   As per claim 6, Suzuki teaches a distributed processing method further comprising: the

application server accounting to the collection/distribution server in accordance with the number

of the license applications supplied to the user terminal (*see fig 1-3, column 2 lines 8-37, 3 lines

13-37, 4 lines 10-34*).

6.   As per claim 9, Suzuki teaches a distributed processing further comprising: a first user

database which connects to the application server and which stores user information of the user

terminals, to which the application server supplied the user application and the license

application, wherein the application server notifies the collection/distribution server of the user

information when storing the user information into the first database (*see fig 1-3, column 2 lines

8-37, 3 lines 13-37, 4 lines 10-34*).

7.   As per claim 10, Suzuki teaches a distributed processing system according to claim 9,

further comprising: a second user database which connects to the collection/distribution server

and which stores the user information received by the collection/distribution server from the

application server, wherein the collection/distribution server manages the user terminals which

execute a divided processing task based on the second user database (*see fig 1-3, column 2 lines

8-37, 3 lines 13-37, 4 lines 10-34*).

8.   As per claim 11, Suzuki teaches a distributed processing system according to claim 10,

wherein the license application supplied to the user terminal requests the processing unit to the

collection/distribution server when the license application runs on the user terminal (*see fig 1-3,

column 2 lines 8-37, 3 lines 13-37, 4 lines 10-34*).

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

10.   Claims 1-3 and 12-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Suzuki (*U.S. Patent No. 6,385,636*) in view of Downs et al (*U.S. Patent No. 6,112,243*).

11.   As per claim 1, 3, 12, 17-21, Suzuki teaches a distributed processing method in which a

processing task is distributed to a plurality of user terminals in a network and is executed by a

user terminals (*see fig 1-3, column 2 lines 8-37,4 lines 10-34*) comprising a server dividing a

processing task into a plurality of the processing units and distributing the processing units to the

plurality of user terminals so that, each of the plurality of user terminals will be able to execute at

least on distributed processing unit received from the server and sending back a processing result

to the server via the network (*see fig 1-3, column 2 lines 8-37, 3 lines 13-37, 4 lines 10-34*).

Suzuki fails to teach user terminals receiving a specified service as a value for executing the

processing units. However Downs et al teach user terminals receiving a specified service as a

value for executing the processing units (*see column 4 lines 5-23*). Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify the

inventive concept of Suzuki to include Downs concept of user terminals receiving a specified

service as a value for executing the processing units because this would have ensured that e user

terminal is compensated for service rendered.

12.   As per claim 2, Suzuki fail to teach teaches a distributed processing method wherein the

specified service is to provide a license of using a user application or to discount a user fee

charged by a on-line shopping and a provider connection. However, Downs et al teach a

distributed processing method wherein the specified service is to provide a license of using a

user application or to discount a user fee charged by a on-line shopping and a provider

connection (*see column 3 lines 29-55, 4 lines 60-5 line 28*). Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify the

inventive concept of Suzuki to include Downs et al's a distributed processing method wherein

the specified service is to provide a license of using a user application or to discount a user fee

charged by a on-line shopping and a provider connection this would have ensured that e user

terminal is compensated for service rendered.

13.   As per claim 13, Suzuki teaches a distributed processing system wherein the

collection/distribution server integrates and edits all the processing results transmitted from the

user terminals, and transmits the result to the customer terminal (*see fig 1-3, column 2 lines 8-37,*

3 lines 13-37, 4 lines 10-34).

14.   As per claim 14, Downs et al teach a distributed processing system wherein the service

for the user terminal of the application server is a discount of a fee in accordance with the points

(*see column 3 lines 29-55, 4 lines 60-5 line 28).*

15.   As per claim 15, Suzuki teaches a distributed processing system wherein the license

application runs on the user terminal as a background processing (*see fig 1-3, column 2 lines 8-*

37, 3 lines 13-37, 4 lines 10-34).

16.   As per claim 16, Downs et al teach a distributed processing system wherein the

application server charges the user terminal for an amount, which is discounted from a service

fee for the user terminal by an amount in accordance with the point, and charges the

collection/distribution server for the discounted amount (*see column 3 lines 29-55, 4 lines 60-5*

line 28).

Response to Arguments

17.   Applicant's arguments filed August 17th, 2004 have been fully considered but they are not

persuasive.

      a.   Applicant argues that the neither the prior art Suzuki nor Downs teach an

inventive concept that divide a processing task into a plurality of user tasks and into a

form that can be distributed and executed in a plurality of user terminal. Examiner

respectfully disagrees with Applicant characterization of the prior art. Suzuki teaches a

system and method wherein the processing capability of the client node in hardware and

software aspects is generally lower than the processing capability of the server node, also

resulting in a prolonged response time until the result of the task was obtained. In order

avoid such disadvantages, it is desirable to distribute the processing load between the

nodes. Suzuki's distributed processing system including one or more client and server

nodes communicating each other, task request means for requesting the server node to

process a predetermined task, task program executing means for receiving a program for

the requested predetermined task from the server node to execute it in accordance with

the content of a response signal returned from the server node in response to the request

of predetermined task, and task result acquiring means for receiving the result of

execution of the program received from the server node or the result of the predetermined

task by the server node to acquire the result of the predetermined task. Downs teach an

inventive concept of determining an associated payment for processing the task; and

determine if the associated payment is sufficient, and if so, send the status response

configured to indicate willingness to perform the task.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time
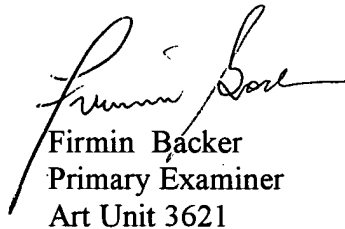
policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The

examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James Trammell can be reached on (703) 305-9768. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Firmin Backer
Primary Examiner
Art Unit 3621

April 27, 2004